

Minneapolis City Planning Department Report

Rezoning, Conditional Use Permit, and Site Plan Review Applications (BZZ-817)

Date: September 23, 2002

Applicant: Noel Casey dba Cardinal Bar

Address Of Property: 3804-06 30th Avenue South aka 2915 East 38th Street

Date Application Deemed Complete: September 3, 2002

End of 60 Day Decision Period: November 2, 2002

Contact Person and Phone: Noel Casey – Cardinal Bar 612-724-5837

Planning Staff and Phone: Jim Voll 612-673-3887

Ward: 9 **Neighborhood Organization:** Standish/Ericsson Neighborhood Association

Existing Zoning: R1A Single-family Residential District

Proposed Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: Zoning Plate Number 33

Legal Description: Lot 1 and the north 30 feet of Lot 2, W.L. Badger's 1st Addition.

Proposed Use: Accessory surface parking lot.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article VII, Conditional Use Permits; and Chapter 530 Site Plan Review.

Background: The Cardinal Bar, located at 2920 East 38th Street, has lost its parking around the bar, due to the construction of the 38th Street LRT station. The MCDA has a portion of two lots that it is selling to the bar for a replacement surface parking lot. The eastern part of these lots has been taken for the cul-de-sac at the end of 30th Avenue South. An additional 20 feet will have an easement on it for MnDOT to use for construction staging until December 31, 2005. After this date this portion will be added to the parking lot. The final site plan will have two phases to reflect this situation. The parking lot requires a rezoning to the C1 Commercial District, a conditional use permit to allow the lot, and site plan review. The Standish-Ericsson Neighborhood Association voted to support this project. Please see attached letter.

REZONING

Findings As Required By The Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan designates this portion of East 38th Street as a Community Corridor. The plan states the following about Community Corridors: “Community Corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. They support limited commercial uses, which are measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Design and development along these streets is oriented towards the pedestrian experience. The streets, which form the spine of the community corridors, carry fairly high volumes of traffic, but must balance vehicular travel against residential quality of life. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic.” It has the following implementation steps for Community Corridors:

Implementation Steps

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Promote more intensive residential development along these corridors where appropriate.

Require that street design for these corridors preserves and enhances the strong residential character and pedestrian orientation of these streets while maintaining the street’s capacity to carry current volumes of traffic.

Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed use residential dwelling units in commercial buildings where appropriate.

Support the continued presence of small scale retail sales and commercial services along Community Corridors.

Ensure that commercial uses do not negatively impact nearby residential areas.

Prioritize transit advantages to Community Corridor streets, and encourage the routing of express transit service to these streets wherever possible.

C1 Commercial Zoning can be an appropriate district on a community corridor. In this case it is located near other commercial properties zoned C1, adjacent to the LRT line, and near Hiawatha Avenue on the periphery of the neighborhood. It will help support the continued presence of a small scale commercial use.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning will help to manage parking in the neighborhood. This is in the public interest.

- 3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

There are residential uses immediately adjacent to the property to the south. However, there are several commercial uses zoned C1 along East 38th Street in the area. The site is close to the new 38th Street LRT station.

- 4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

The R1A District allows single-family homes, which would be a reasonable use of the property.

- 5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

A new LRT station is being built adjacent to the Cardinal Bar. Due to this construction the bar has lost its parking and needs this new lot to replace this parking.

CONDITIONAL USE PERMIT FOR THE ACCESSORY PARKING LOT

Findings as Required by the Minneapolis Zoning Code:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

If properly landscaped and screened the proposed lot should have few negative impacts on the area. It should alleviate some of the parking problems in the neighborhood.

2. **Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The Cardinal Bar has lost its parking area adjacent to the bar due to the construction of the 38th Street LRT station. The new lot will provide parking for the bar patrons and will help to minimize parking in the nearby residential neighborhood. It will be landscaped and screened to the standards of the zoning code. Much of the surrounding area is developed so it should not impede orderly development.

3. **Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

All utilities and roads are existing and adequate.

4. **Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

Public Works and the Fire Department have reviewed the parking layout and finds it acceptable. Metro Transit has a bus stop in front of the lot on 38th Street. Staff has contacted Metro Transit and they have indicated that the parking lot and the access to the lot will not interfere with the bus stop.

5. **Is consistent with the applicable policies of the comprehensive plan.**

See the comprehensive plan section of the rezoning portion of the staff report for conformance of the rezoning. The plan has the following about policy regarding parking facilities:

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Implementation Steps

Require the landscaping of parking lots.

Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed use areas.

Offer incentives so that new parking structures built in high activity areas (e.g. Growth Centers and Activity Centers) are designed to include a mix of uses through the presence of active street-level uses such as general retail or commercial services.

Establish reduced minimum and new maximum parking standards to discourage auto over-reliance.

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

Provide sufficient parking enforcement in critical parking areas so those residents who need the parking have it available.

Implement parking solutions based on shared parking facilities and critical parking permits for residential districts

The proposed lot is in conformance with this policy of the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, rezoning and site plan review.

SITE PLAN REVIEW

Required Findings for Major Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.

This section is not applicable as there is no building planned. The site plan review is of a 17-space parking lot.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

Public Works and the Fire Department have reviewed the parking layout and finds it acceptable. Metro Transit has a bus stop in front of the lot on 38th Street. Staff has contacted Metro Transit and they have indicated that the parking lot and the access to the lot will not interfere with the bus stop.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section

530.230.

Approximately 23 percent of the site is landscaped. If the landscaping in the right-of-way is included, then 28 percent of the site is landscaped. The required number of bushes and trees are provided, except one more tree and additional shrubs will be required along 38th street when phase II of the parking lot is completed. The City's landscaping consultant has reviewed the plan and finds it acceptable. The parking lot will be bounded by the required 6-inch by 6-inch continuous concrete curbing where necessary. Staff recommends that it be waived on the south side to allow for on-site retention of stormwater. There is a nine-foot wide landscaped area at this part of the site that could be made a swale to accept stormwater. Curbing is not necessary on the east side until Phase II. Depending on the layout of the greenspace it may be possible to do some stormwater retention here as well, so curbing may be waived on the east side if it will facilitate stormwater management.

ADDITIONAL STANDARDS:

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- Buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260.
- Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Lighting will comply with Chapters 535 and 541. The parking area will be screened to the standards of the code and to prevent headlights from shining on residential properties.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Hours of Operation: Hours of operation allowed under the C1 Neighborhood Commercial District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. However, hours of operation for the bar and this lot are governed by licensing requirements, so the lot may be open until the bar closes at 1:00 a.m.

Signage: Staff recommends that the applicant provide signage that indicates that the lot is for patrons of the bar only. All new signage requires a permit from the Zoning Office.

MINNEAPOLIS PLAN:

See the rezoning and conditional use permit sections of the staff report.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

There are no development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan.

Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is not necessary for this site.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

REZONING

The City Planning Department recommends that the City Planning Commission and City Council adopt

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the above findings and **approve** the rezoning application from R1A to C1 for property located at 2915 East 38th Street.

CONDITIONAL USE PERMIT

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit application for an approximately 17 space accessory parking lot for the Cardinal Bar for property located at 2915 East 38th Street subject to the approval of the rezoning and site plan review.

SITE PLAN REVIEW

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for an approximately 17 space accessory surface parking lot for the Cardinal Bar for property located at 2915 East 38th Street subject to the following conditions:

- 1) Approval of the conditional use permit and rezoning.
- 2) Staff review and approval of the final site and landscaping plans. All site improvements for Phase I shall be completed by October 30, 2003 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) If estimated site improvement costs exceed \$2,000 for Phase I, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs by February 15, 2003 or permits may be revoked for noncompliance.
- 4) The lot shall be for the use of the bar patrons only and shall not be used as a park and ride for the LRT station.
- 5) The lot shall provide signage that indicates that it is for the patrons of the Cardinal Bar only.
- 6) Site improvements for Phase II shall be completed one year from the date that the easement expires on the east half of the lot.